

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTONIO LIGAMERI,
Plaintiff,

vs.

AMAZON.COM AND
AMAZON LOGISTICS, INC.,
Defendants.

CIVIL ACTION

NO.:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and § 1332(a)(1), Defendants, Amazon.com and Amazon Logistics, Inc. (collectively, “Amazon”), by and through their counsel, **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP**, hereby removes this action to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas of Philadelphia County, Pennsylvania on the following grounds:

1. On July 26, 2022, Plaintiff, Antonio Ligameri, filed a Complaint against Amazon. This Complaint alleges damages for personal injuries allegedly sustained when Plaintiff attempted to pass a vehicle operated by an unidentified vehicle operator, whom Plaintiff alleges was an employee, agent, representative, and/or subcontractor of Amazon. *See* a true and correct copy of Plaintiff’s Complaint, attached hereto and marked as Exhibit “A.”
2. This civil action is a controversy between citizens of different states.
3. Plaintiff, Antonio Ligameri, is a citizen of the commonwealth of Pennsylvania with an address located at 129 Morris Street, Philadelphia, PA 19148. *See* Exhibit “A,” ¶ 1.

4. Amazon, is a corporate entity incorporated in the state of Delaware with its principal place of business located in the state of Washington, at 410 Terry Avenue North, Seattle, Washington 98109, and is therefore a citizen of the State of Washington.

5. Accordingly, the parties are citizens of different states and the diversity of citizenship requirement as outlined in 28 U.S.C. § 1332(a) is satisfied.

6. Without admission thereto, the Complaint asserts claims for negligence and respondeat superior, and seeks recovery of both past and future compensatory damages for alleged pain and suffering and loss of physical function against Amazon. See Exhibit “A” at ¶¶ 10-14.

7. Plaintiff’s Complaint specifically alleges that he “serious pain and agony and may continue same for an indefinite time in the future.” *See* Exhibit “A” at ¶ 12.

8. Plaintiff’s Complaint seeks recovery from Amazon “for an amount in excess of fifty thousand dollars (\$50,000.00) but not in excess of seventy-five thousand dollars (\$75,000.00).” *See* Exhibit “A” at Counts I-IV.

9. However, Plaintiff’s filed Case Management Conference Memorandum, filed on October 24, 2022, specifically states that Plaintiff’s demand for recovery is “\$85,000.” *See* a true and correct copy of Plaintiff’s Case Management Memorandum, attached hereto and marked as Exhibit “B.”

10. Based upon the allegations of Plaintiff’s Complaint and Plaintiff’s filed Case Management Conference Memorandum, Plaintiff’s claimed damages are in excess of \$75,000.00, the minimum amount in controversy requirement as outlined in 28 U.S.C. § 1332(a).

11. Accordingly, this District Court has diversity jurisdiction over this lawsuit.

12. Venue is proper in this District Court as the alleged incident occurred within this judicial District.

13. Upon information and belief, Plaintiff's Complaint was served upon Amazon via certified mail on or about August 1, 2022.

14. This Notice of Removal is timely as it is being filed within thirty (30) days of the receipt of Plaintiff's filed Case Management Conference Memorandum upon which Amazon first ascertained that this case is removable as required by 28 U.S.C. § 1446(b-c).

15. Pursuant to the provisions of 28 U.S.C. § 1446(a), copies of all state-court papers which are in Amazon's possession at, or before, the time of removal (consisting of the Complaint, Affidavits of Service, Preliminary Objections, Answer to Preliminary Objections, Reply Brief in Support of Preliminary Objections, Brief in Opposition of Preliminary Objections, Sur Sur Reply Brief in Support of Preliminary Objections, a September 26, 2022 Order, and Certificate Prerequisite to Service of Subpoenas) are attached to this Notice as Exhibit "A."

16. Therefore, this civil action is properly removable pursuant to 28 U.S.C. § 1332(a)(1) and may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a-b) in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

17. Upon filing the within Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, Amazon has given notice to counsel for Plaintiff and will file a copy of this Notice with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

WHEREFORE, Defendants, Amazon.com and Amazon Logistics, Inc., respectfully request that this action proceed as though originally commenced in this Court.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**



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Attorneys for Defendants
Amazon.com and Amazon Logistics, Inc.

Date: October 26, 2022

CERTIFICATE OF SERVICE

I, Salvatore A. Clemente, Esquire, counsel for Defendants, Amazon.com and Amazon Logistics, Inc., hereby certify that the foregoing Notice of Removal was electronically filed via this Court's electronic filing system and served via United States First Class Mail Pre-paid and Certified Mail Return Receipt Requested on October 26, 2022.

Chanté N. DePersia, Esquire
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Philadelphia, PA 19148
Attorney for Plaintiff



Salvatore A. Clemente, Esquire